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Gray Davis
Governor

Jeff Pratt
Deputy Director of Public Works
Ventura County Flood Control District
800 S. Victoria
Ventura, CA 93009-1600

CONDITIONAL CERTIFICATION FOR PROPOSED HUENEME DRAIN OUTLET PIPE REPAIR PROJECT (CORPS' PROJECT NO. 2002-01329-JWM), J STREET DRAIN TO ORMOND BEACH LAGOON TO PACIFIC OCEAN, CITY OF OXNARD, VENTURA COUNTY (FILE NO. 02-107)

Dear Mr. Pratt:

Regional Board staff has reviewed your request on behalf of the Ventura County Flood Control District (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on August 14, 2002.

I hereby certify that any discharge from the Hueneme Drain Outlet Pipe Repair Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Jason Lambert, Section 401 Program, at (213) 576-5733.

[Original Signed By:]

[August 20, 2002]

Dennis A. Dickerson
Executive Officer

Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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Oscar Balaguer
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Vicki Clark, Staff Attorney
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

Betty Courtney
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

John Markham
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

Aaron Setran (WTR-8)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Alexis Strauss
Director of Water Division (WTR-1)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Diane Noda
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

Peter Brand
Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Jessie Altstatt
Santa Barbara Channel Keeper
120 West Mission Street
Santa Barbara, CA 93101

ATTACHMENT A

Project Information File No. 02-107

1. Applicant: Jeff Pratt
Deputy Director of Public Works
Ventura County Flood Control District
800 S. Victoria
Ventura, CA 93009-1600
Phone: (805) 654-2040 Fax: (805) 654-3350
2. Applicant's Agent: None
3. Project Name: Hueneme Drain Outlet Pipe Repair Project
4. Project Location: Port Hueneme in the City of Oxnard, Ventura County
5. Type of Project: Pipeline Repair
6. Project Description: *Purpose:* The purpose of the proposed project is to repair leaky pipe(s) that are allowing water to flow backwards through the pumps(s).

Description: The proposed project will consist of constructing a sandbag and plastic dam around the pipes on shallow concrete splashpad, dewater 300 square foot work area, repair and replace up to four outlet pipes, then remove sandbags and plastic.
7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 3 (Permit No. 2002-01329-JWM)
8. Other Required Regulatory Approvals: California Department of Fish and Game
Emergency Notification
9. California Environmental Quality Act (CEQA) Compliance: The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15269 b and c (Emergency Project).

ATTACHMENT A

Project Information File No. 02-107

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| 10. Receiving Water: | J Street Drain to Ormond Beach Lagoon to Pacific Ocean (Hydrologic Unit No. 403.11) |
| 11. Designated Beneficial Uses: | IND, NAV, POW, REC-1, REC-2, COMM, MAR, WILD, RARE, SPWN, and SHELL |
| 12. Impacted Waters of the United States: | Ocean/Bay/Estuary (Flood Control Channel): 0.007 permanent acres (300 linear feet) |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | <p>The Applicant has identified a related project planned for implementation in the next 5 years.</p> <p>The Hueneme Pump Station is scheduled for an overhaul that will replace the existing 4 pumps, install a trash track, install an inflatable dam in the Hueneme Drain for maintenance, separate emergency generator housing and facility, and repair and improve the existing building.</p> |
| 15. Avoidance/Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• Sandbags and plastic will be used to separate the work area from the J street drain and Lagoon area, and• Water pumped from the temporary impact area will not contain sediments or degrade water quality of the Lagoon.• Any fish or aquatic wildlife will be transferred out of the work area into the J street drain by a USFWS approved fisheries biologist. |
| 16. Compensatory Mitigation: | The Applicant has not proposed any compensatory mitigation due to the lack of permanent impacts associated with this project, and this agency will not require any. |

ATTACHMENT B

Conditions of Certification File No. 02-107

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

ATTACHMENT B

Conditions of Certification File No. 02-107

4. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
5. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
6. The Applicant shall restore the proposed **0.007 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
7. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **02-107**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
8. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.

ATTACHMENT B

Conditions of Certification File No. 02-107

9. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
- (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.